

TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION

Control \_\_\_\_\_ Department or Agency Board of Dental Examiners of Alabama

Rule No. 270-X-2-23

Rule Title: Risk and Abuse Mitigation Strategies by Prescribing Dentists

X New \_\_\_\_\_ Amend \_\_\_\_\_ Repeal \_\_\_\_\_ Adopt by Reference \_\_\_\_\_

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? YES

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? YES

Is there another, less restrictive method of regulation available that could adequately protect the public? NO

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? NO

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? NO

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? YES

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? NO

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Does the proposed rule have an economic impact? NO

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

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Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer J. Matthew Jones

Date 5/17/18

(DATE FILED)  
(STAMP)

**BOARD OF DENTAL EXAMINERS OF ALABAMA**

NOTICE OF INTENDED ACTION

AGENCY NAME: Board of Dental Examiners of Alabama

RULE NO. & TITLE: 270-X-2-.23, Risk and Abuse Mitigation Strategies by Prescribing Dentists

INTENDED ACTION: New Rule

SUBSTANCE OF PROPOSED ACTION: The Board of Dental Examiners is proposing to introduce Rule 270-X-2-.23 which addresses risk and abused mitigation strategies to be utilized by dentists who prescribe controlled substances. The proposed rule also sets forth specific instances in which a prescribing dentist must utilize the Prescription Drug Monitoring Program.

TIME, PLACE, MANNER OF PRESENTING VIEWS: Interested persons may present their views in writing to the Executive Director of the Board of Dental Examiners of Alabama at any time until and including July 13, 2018, or by personally appearing at the Board of Dental Examiners of Alabama Board Meeting to be held at 5346 Stadium Trace Pkwy., Suite 112, Hoover, Alabama, at 8:30 a.m., Friday, July 13, 2018.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:  
July 13, 2018

CONTACT PERSON AT AGENCY: J. Matthew Hart  
Executive Director  
Board of Dental Examiners  
5346 Stadium Trace Pkwy., Ste. 112  
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\_\_\_\_\_  
J. Matthew Hart  
Executive Director

**Board of Dental Examiners of Alabama**  
**Proposed Administrative Rule 270-X-2-.23**  
**Risk and Abuse Mitigation Strategies by**  
**Prescribing Dentists**

(1) The Board recognizes that the best available research demonstrates that the risk of adverse events occurring in patients who use controlled substances to treat pain increases as dosage increases. The Board adopts the "Morphine Milligram Equivalency" ("MME") daily standard as set out by the Centers for Disease Control and Prevention ("CDC") for calculating the morphine equivalence of opioid dosages.

(2) It is the opinion of the Board that the best practice when prescribing controlled substances for the treatment of pain shall include medically appropriate risk and abuse mitigation strategies, which will vary from patient to patient. Examples of risk and abuse mitigation strategies include, but are not limited to:

- (a) Pill counts (where applicable);
- (b) PDMP checks;
- (c) Monitoring the patient for aberrant behavior; and/or
- (d) Providing a patient with opiate risk education prior to prescribing controlled substances.

(3) The Board recognizes that all controlled substances, including but not limited to, opiates, benzodiazepines, stimulants, anticonvulsants, and sedative hypnotics, have a risk of addiction, misuse, and diversion. Dentists are expected to use risk and abuse mitigation strategies when prescribing any controlled substance. Additional care should be used by the dentist when prescribing a patient's medications from multiple controlled substance drug classes. Chronic pain medicines are any sustained narcotic for the treatment of pain for greater than 30 days. It would be unusual for a dentist to prescribe chronic pain medicines such as buprenorphine (Suboxone), methadone, oxycodone HCL sustained release (OxyContin), or similar medications.

(4) For the purpose of preventing controlled substance diversion, abuse, misuse, addiction, and doctor-shopping, the prescribing dentist shall utilize Alabama's Prescription Drug Monitoring Program (PDMP) to review the patient's prescription history and shall document the use of risk and mitigation strategies under the following circumstances:

- (a) For the continuation of controlled substance therapy greater than seven (7) days for any patient;
- (b) Prior to prescribing any controlled substance of more than 50 MME/day;
- (c) For any patient that is prescribed three (3) or more acute pain medicine prescriptions by the dentist in any ninety (90) day period; or
- (d) For any patient who gives a history of chronic pain medicines and/or benzodiazepines, so that the dentist may coordinate therapy with the patient's other prescribing medical providers and verify the specifics of the chronic medications. Due to the heightened risk of adverse events associated with the concurrent use of opioids and benzodiazepines, dentists should consider alternative forms of treatment.

(5) A violation of this rule is grounds for the suspension, restriction, or revocation of a dentist's Controlled Substances Permit or license to practice dentistry.

**Author:** J. Matthew Hart

**Statutory Authority:** Code of Ala. 1975, §§ 20-2-54.1, 20-2-214(b), 34-9-43(a)(10).

**History:** Filed May 17, 2018.